

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL KOLB,

Defendant.

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8:16CR198

ORDER

This matter is before the court on the motion to continue by defendant Michael Kolb (Kolb) (Filing No. 23). Kolb seeks a continuance of the trial of this matter was scheduled for November 28, 2016. Kolb's counsel represents that Kolb will file an affidavit whereby Kolb consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Kolb's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Kolb' motion to continue trial (Filing No. 23) is granted.
2. Trial of this matter is re-scheduled for **January 23, 2017**, before Judge Robert F. Rossiter, Jr., and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **November 28, 2016, and January 23, 2017**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 28th day of November, 2016.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge